

AGENDA MEMO

CITY COUNCIL MEETING DATE: AUGUST 6, 2008
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: RQR-28507 – REQUIRED REVIEW - PUBLIC HEARING -
APPLICANT/OWNER: SHARON KEA

**** CONDITIONS ****

STAFF RECOMMENDATION: APPROVAL. Subject to:

Planning and Development

1. Conformance to the Conditions of Approval for Special Use Permit (SUP-21649) and all other related actions as required by the Planning and Development Department and Department of Public Works.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This application is in response to a request for a required Six-Month Review of an approved Special Use Permit (SUP-21649) for a proposed Massage Establishment in conjunction with an approved 31,000 square foot Health Club. This entitlement was granted with a waiver to allow no distance separation from a Public Park and School and 340 feet from a Child Care Facility and a Church and where 400 feet is the minimum distance separation required, a waiver to allow a distance separation of approximately 59 feet and 70 feet from two existing Massage Establishments where 1,000 feet is required, and a Waiver to allow a 24-hour spa where the required hours of operation are from 8:00 AM TO 9:00 PM at 1070 East Sahara Avenue.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
4/07/04	The City Council approved Request for a Site Development Plan Review for a 23,657 square-foot, two story health spa, restaurant, and karaoke bar with waivers to the perimeter landscaping requirements at 1070 East Sahara Avenue.
2/26/04	A request for a Variance (VAR-3704) to allow 107 parking spaces where 175 are required at 1070 East Sahara Avenue was withdrawn without prejudice from the Planning Commission at the applicant's request.
1/21/05	A request for Merger and Resubdivision (PMP-4929) was recorded on properties located on East Sahara Avenue, (APNs162-03-801-033; 034; 055; 069; 132)
5/17/06	The City Council approved a request to change the Future Land Use designation (GPA-9219) to Commercial, Mixed Use, Industrial or Public Facilities on various parcels located within the proposed Las Vegas Redevelopment Plan area and within the proposed Redevelopment Plan expansion area.
12/07/06	The Planning Commission approved a Text Amendment (TXT-17827) to Title 19.04, "Permissible Uses," and Title 19.20, "Definitions," to establish standards for Massage, Accessory uses.
7/03/07	The City Council approved Ordinance No. 5893 to allow the use "Accessory Massage" as an accessory use in certain zoning districts, and to provide for other related matters.

07/11/07	The City Council approved a Special Use Permit (SUP-21649) for a proposed Massage Establishment in conjunction with an approved 31,000 square-foot Health Club with a Waivers to allow no distance separation from a Public Park and School and 340 feet from a Child Care Facility and a Church and where 400 feet is the minimum distance separation required, to allow a distance separation of approximately 59 feet and 70 feet from two existing Massage Establishments where 1,000 feet is required, and to allow a 24-hour spa where the required hours of operation are from 8:00 AM TO 9:00 PM at 1070 East Sahara Avenue. The Planning Commission recommended approval on 06/14/07 with staff recommending denial.
<i>Related Building Permits/Business Licenses</i>	
03/21/08	A Certificate of Occupancy was issued by the Building and Safety Department for a 31,115 square-foot Health Spa under plan check #C-0181-04.
04/10/08	Business License #M03-97337 temporarily issued for a Massage Establishment with an expiration date of 10/15/08 at 1070 East Sahara Avenue.
04/10/08	Business License #H08-00070 issued for a Health and Fitness Club at 1070 East Sahara Avenue.
04/10/08	Business License #B05-03093 issued for a Cosmetological Establishment at 1070 East Sahara Avenue.
04/10/08	Business License #T33-00051 issued for a Tanning Salon at 1070 East Sahara Avenue.
04/16/08	Business License #R07-00812 issued for a Restaurant – Seating Under 45- at 1070 East Sahara Avenue.
<i>Pre-Application Meeting</i>	
A pre-application meeting is not required for this type of application request, nor was one held.	
<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required for this type of application request, nor was one held.	

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	2.08 acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Commercial and Office uses	C (Commercial)	C-1 (Limited Commercial)
North	School/ Public Park	PR-OS (Parks/Recreation/Open Space) & PF (Public Facilities)	C-V (Civic) Zone
South	Commercial and Office uses	C (Commercial)	C-1 (Limited Commercial)
East	Commercial and Office uses	C (Commercial)	C-1 (Limited Commercial)
West	Commercial and Office uses	C (Commercial)	C-1 (Limited Commercial)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan			
Redevelopment Plan Area	X		Y
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
A-O Airport Overlay District -175 feet	X		Y
Trails		X	NA
Rural Preservation Overlay District		X	NA
Development Impact Notification Assessment		X	NA
Project of Regional Significance		X	NA

ANALYSIS

This application is in response to the required review of an approved Special Use Permit (SUP-21649) to occur within six months of the issuance the temporary business license for a Massage Establishment Use located within a Health Spa. It is important to note that this subject site was granted the entitlement as a Massage Establishment within a Health Club. The proposal does not qualify as a Massage, Accessory use per current Title 19.04 Zoning regulations as the 560 square-feet of gross area dedicated to a Massage use exceeds the 150 square-foot limit.

Additionally, the applicant has also filed a Review of Condition B that limited the hours of operation from 8 am to 9pm to allow for 24-hour operation. As previously stated, the approved Massage Establishment Use exceeds the conditional limits provided for the Massage, Accessory use and would therefore require a waiver to Title 19.04 to allow the 24-hour operation.

FINDINGS

The subject property is in good standing with no Code Enforcement cases and a demonstration of compliance with the required conditions of approval since the initial approval of the Special Use Permit. Staff recommends approval of this request as the 560 square-feet of net floor area (eight massage rooms) constitutes less than 2% of the total gross floor of the 31,115 square-foot Health Club. Therefore, staff recommends approval with no further review required.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED N/A

ASSEMBLY DISTRICT N/A

SENATE DISTRICT N/A

NOTICES MAILED 188 by Planning Department

APPROVALS 0

PROTESTS 0